

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
KENNETH R. LEVINE, on behalf of  
himself and all others  
similarly situated,

Plaintiff,

v.

LYCOS, INC. and ROBERT J. DAVIS,

Defendants.

Civil Action No.  
99-CV-10394 (EFH)

\_\_\_\_\_  
[Additional Captions Below]

*EFH 7-7-99*  
~~PROPOSED~~ ORDER CONSOLIDATING THE ACTIONS  
AND APPOINTING LEAD PLAINTIFFS AND APPROVING  
SELECTION OF LIAISON COUNSEL AND LEAD COUNSEL

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THOMAS LYNCH, on behalf of  
himself and all others  
similarly situated,

Plaintiff,

v.

LYCOS, INC. and ROBERT J. DAVIS,

Defendants.

Civil Action No.  
98-CV-10426 (EFH)

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MARY JANE CRESCENTE, on behalf of  
herself and all others  
similarly situated,

Plaintiff,

v.

LYCOS, INC. and ROBERT J. DAVIS,

Defendants.

Civil Action No.  
98-CV-10467 (EFH)

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ARNOLD SILVERSTEIN, on behalf of  
himself and all others  
similarly situated,

Plaintiff,

v

LYCOS, INC. and ROBERT J. DAVIS,

Defendants.

Civil Action No.  
98-CV-10476 (EFH)

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WARREN CIAFARDINI, on behalf of )  
himself and all others )  
similarly situated, )

Plaintiff, )

v. )

Civil Action No.  
98-CV-10494 (EFH)

LYCOS, INC. and ROBERT J. DAVIS,

Defendants.

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MICHELE PENFOLD, on behalf of )  
himself and all others )  
similarly situated, )

Plaintiff, )

v. )

Civil Action No.  
98-CV-10495 (EFH)

LYCOS, INC. and ROBERT J. DAVIS,

Defendants.

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CAROL LEWKOWICZ, on behalf of )  
herself and all others )  
similarly situated, )

Plaintiff, )

v. )

Civil Action No.  
98-CV-10501 (EFH)

LYCOS, INC. and ROBERT J. DAVIS,

Defendants.

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JOEL KOFSKY, on behalf of  
himself and all others  
similarly situated,

Plaintiff,

v.

LYCOS, INC. and ROBERT J. DAVIS,

Defendants.

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Civil Action No.  
98-CV-10502 (EFH)

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MARK ZITO, on behalf of  
himself and all others  
similarly situated,

Plaintiff,

v

LYCOS, INC. and ROBERT J. DAVIS,

Defendants.

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Civil Action No.  
98-CV-10518 (EFH)

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MARC BERGER, on behalf of  
himself and all others  
similarly situated,

Plaintiff,

v.

LYCOS, INC. and ROBERT J. DAVIS,

Defendants.

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Civil Action No.  
98-CV-10519 (EFH)

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SALVATORE BENEDETTO, on behalf of )  
himself and all others )  
similarly situated, )  
Plaintiff, )

v. )

LYCOS, INC. and ROBERT J. DAVIS, )  
Defendants. )

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Civil Action No.  
98-CV-10524 (EFH)

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HELENE SCHOENFELD as custodian )  
for LAUREN SCHOENFELD and ALEX )  
SCHOENFELD, on behalf of )  
herself and all others )  
similarly situated, )  
Plaintiff, )

v. )

LYCOS, INC. and ROBERT J. DAVIS, )  
Defendants. )

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Civil Action No.  
98-CV-10531 (EFH)

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FRANK BLUMENTHAL, on behalf of )  
himself and all others )  
similarly situated, )  
Plaintiff, )

v. )

LYCOS, INC. and ROBERT J. DAVIS, )  
Defendants. )

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Civil Action No.  
98-CV-10553 (EFH)

DEBBY HOWARD, on behalf of  
herself and all others  
similarly situated,

Plaintiff,

v.

LYCOS, INC. and ROBERT J. DAVIS,  
Defendants.

Civil Action No.  
98-CV-10581 (EFH)

KIRBY KING, on behalf of  
himself and all others  
similarly situated,

Plaintiff,

v.

LYCOS, INC. and ROBERT J. DAVIS,  
Defendants.

Civil Action No.  
98-CV-10582 (EFH)

SUDHIR PATEL, on behalf of  
himself and all others  
similarly situated,

Plaintiff,

v.

LYCOS, INC. and ROBERT J. DAVIS  
Defendants.

Civil Action No.  
98-CV-10596 (EFH)

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DANIEL G. BROUSE, MICHAEL A  
HIRSCH and JOANNE L. HIRSCH,  
on behalf of themselves and  
all others similarly situated,

Plaintiff,

v.

LYCOS, INC. and ROBERT J. DAVIS,

Defendants.

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Civil Action No.  
98-CV-10647 (EPH)

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CAROLYN ALBSTEIN, on behalf of  
herself and all others  
similarly situated,

Plaintiff,

v.

LYCOS, INC. and ROBERT J. DAVIS,

Defendants.

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Civil Action No.  
98-CV-10655 (EPH)

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JEFF MONSELL, on behalf of  
himself and all others  
similarly situated,

Plaintiff,

v.

LYCOS, INC. and ROBERT J. DAVIS,

Defendants.

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Civil Action No.  
98-CV-10802 (EPH)

Having considered the Proposed Lycos Lead Plaintiffs' Motion For Consolidation And For Appointment As Lead Plaintiffs And For Approval Of Proposed Lycos Lead Plaintiffs' Selection of Liaison Counsel And Lead Counsel and the Memorandum of Law and Affidavit of Steven G. Schulman, Esq., in support thereof, and good cause appearing therefor:

I. CONSOLIDATION

1. The Actions (as defined in the accompanying Memorandum of Law) and any other actions filed as related to any of these actions are hereby consolidated into one action (hereinafter, the "Consolidated Action") for all purposes, pursuant to Federal Rules of Civil Procedure 42. This Order (the "Order") shall apply as specified to the Consolidated Action and to each case that relates to the same subject matter that is subsequently filed in this Court or transferred to this Court and is consolidated with the Consolidated Action

MASTER DOCKET AND MASTER FILES

2. A Master File is hereby established for this proceeding. The Master File shall be 99-CV-10394 (EFH). The Clerk shall file all pleadings in the Master File and note such filings on the Master Docket.

3. An original of this Order shall be filed by the Clerk in the Master File.

4. The Clerk shall mail a copy of this Order to counsel of record in the Consolidated Actions.

CAPTION OF THE CASE

5. Every pleading filed in the Consolidated Action shall have the following caption:



IN RE LYCOS, INC.  
SECURITIES LITIGATION

99-CV-10394 (EFH)

IV. NEWLY-FILED OR TRANSFERRED ACTIONS

6. This Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case that might properly be consolidated as part of the Consolidated Action.

7. When a case that arises out of the same subject matter of the Consolidated Action is hereinafter filed in this Court or transferred from another Court, the Clerk of this Court shall:

a. File a copy of this Order in the separate file for such action;

b. Mail a copy of this Order to the attorneys for the plaintiff(s) in the newly-filed or transferred case and to any new defendant(s) in the newly-filed or transferred case; and

c. Make the appropriate entry in the Master Docket for the Consolidated Action.

8. Each new case that arises out of the subject matter of the Consolidated Action which is filed in this Court or transferred to this Court, shall be consolidated with the Consolidated Action and this Order shall apply thereto, unless a party objects to consolidation, as provided for herein, or any provision of this Order, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party,

by filing an application for relief and this Court deems it appropriate to grant such application. Nothing in the foregoing shall be construed as a waiver of the defendants' right to object to consolidation of any subsequently-filed or transferred related action.

V. APPOINTMENT OF LEAD PLAINTIFFS  
AND LEAD AND LIAISON COUNSEL

9. The following plaintiff and class members are appointed lead plaintiffs pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 ("Exchange Act"): Kenneth R. Levine, Elizabeth Alpert, Michael Balog, Rene Charles, Theresa DeAngelo, John Tyndal Evans, Carl Kempkes, Michael Nicolosi, Scott Price, and Tod Slone.

10. The law firms of Milberg Weiss Bershad Hynes & Lerach LLP ("Milberg Weiss") and Abbey Gardy & Squitieri, LLP ("Abbey Gardy") are appointed Lead Counsel and an Executive Committee comprised of Milberg Weiss, Abbey Gardy, Berman DeValerio & Pease, LLP ("Berman DeValerio") and Schifffrin & Barroway, LLP with Milberg Weiss and Abbey Gardy as co-Chair of the Executive Committee is hereby appointed.

11. The law firms of Moulton & Gans, LLP and Berman DeValerio are appointed Liaison Counsel. Liaison Counsel is authorized to receive orders, notices, correspondence and telephone calls from the Court and the Clerk of the Court on behalf of all plaintiffs. Liaison Counsel shall promptly transmit copies of all such orders, notices, correspondence, pleadings, motions, discovery and memorandum to all other plaintiffs' counsel.

12. With the approval of the Court, Lead Counsel shall assume and exercise the following powers and responsibilities:

- a. To coordinate the briefing and argument of motions;
- b. To coordinate the conduct of written discovery proceedings;
- c. To coordinate the examination of witnesses in depositions;
- d. To coordinate the selection of counsel to act as spokesperson at pre-trial conferences;
- e. To call meetings of the plaintiffs' counsel as they deem necessary and appropriate from time to time;
- f. To conduct all settlement negotiations with counsel for the defendants;
- g. To coordinate and direct the preparation for trial, and the trial of this matter and to delegate work responsibilities to selected counsel as may be required;
- h. To receive orders, notices, correspondence telephone calls from the Court on behalf of all plaintiffs, and to transmit copies of such orders, notices, correspondence and memoranda of such telephone calls to plaintiffs' counsel; and
- i. To supervise any other matters concerning the prosecution or resolution of the Consolidated actions.

13. With respect to scheduling and/or procedural matters, defendants' counsel may rely upon all agreements with Lead Counsel.

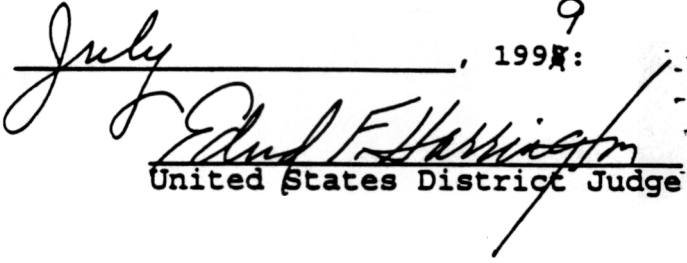
14. No pleadings or other papers shall be filed or discovery conducted by any plaintiff except as directed or undertaken by Lead Counsel.

15. Counsel in any related action that is consolidated with the Consolidated Action shall be bound by this organizational structure of plaintiffs' counsel.

VI. SERVICE OF PLEADINGS AND OTHER PARTIES

16. Service by the defendants on plaintiffs of any papers shall be deemed to be complete for all purposes when a copy is served on Liaison Counsel and Lead Counsel.

SO ORDERED THIS 7 day of July, 199<sup>9</sup>:

  
United States District Judge